

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BOARD MEETING

DEVELOPMENT
OFFICE OF THE
SECRETARY
JULY 20 1982

Monday, July 26, 1982

and

Tuesday, July 27, 1982

JESSE M. KNOWLES
CHAIRMAN

New Orleans, Louisiana

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

July 26 & 27, 1982

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA

July 26, 1982
and
July 27, 1982

Chairman Jesse M. Knowles, presiding

Members present:

Mr. James C. Farrelly
Mr. J. C. Gilbert
Mr. George N. Gray
Mr. Charles A. Riggs

Secretary Jesse J. Guidry was present.

* * * *

The regular monthly meeting of the Louisiana Wildlife and Fisheries Commission was called to order by the Chairman, Mr. Jesse M. Knowles, on Monday July 26, at 2:00 P.M., at the Monteleone Hotel, 214 Royal St., New Orleans, Louisiana.

Motion was made by James Farrelly, seconded by Mr. George N. Gray, and passed unanimously, that the Commission go into a committee of the whole.

Invocation was offered by Commissioner Charles A. Riggs.

A roll call of members present was taken.

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that a renewal of permit be granted to T. L. James, to remove fill material from the Mississippi River, left descending bank Mile 87.76 AHP, in the vicinity of Meraux, St. Bernard Parish, Louisiana.

(The full text of the resolution is
here made a part of the record)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to T. L. James & Company to remove fill material from the Mississippi River, left descending bank, Mile 87.76 AHP in the vicinity of Meraux, St. Bernard Parish Louisiana, for a period of one year from August 28, 1982 to August 28, 1983, at a royalty rate of 10¢ per cubic yard.

* * *

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that a renewal of permit be granted to A. Giambelluca to remove fill material from the Mississippi River at the right descending bank, at approximately Mile Post 124.65 AHP, at Hahnville, St. Charles Parish, Louisiana, for a period of one year.

(The full text of the resolution is here made a part of the record)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to A. Giambelluca Const. Co. Inc., to remove fill material from the Mississippi River at the right descending bank, at approximately Mile Post 124.65 AHP, at Hahnville, St. Charles Parish, Louisiana. for a period of one year from July 13, 1982 to July 13, 1983 at a royalty rate of 10¢ per cubic yard.

* * *

Dr. Ted Ford gave a report on the progress of the brown shrimp season. The third week into the season figures show 16,327,000 lbs. caught.

* * *

Motion was made by Mr. Charles A. Riggs, seconded by Mr. James Farrelly, and passed unanimously, that the Commission adopt the resolution concerning West Hackberry Brine Study and send copies to the Louisiana Congressional Delegation and McNeese State University in behalf of the Commission.

(The full text of the resolution is here made a part of the record)

To express grave concern about the proposed drastic reduction in the monitoring effort by the U.S. Dept. of Energy (DOE) relative to the brine discharge from the West Hackberry Strategic Petroleum Reserve Office (SPRO) project in Cameron Parish.

WHEREAS, SPRO and the State (Depts. of Wildlife and Fisheries and Natural Resources) in a memorandum of understanding dated August 1980 agreed that in exchange for State permits to construct and operate the West Hackberry project, SPRO and the State are mutually concerned that discharges of brine into the Gulf of Mexico from the SPRO project at West Hackberry nor impact the

environment beyond that degree considered acceptable by the State or SPRO: and

WHEREAS, this Memorandum of Understanding further states that an Oversight Board consisting of members from the State and SPRO will decide, based on the best available factual information, when incidents may result in unacceptable damage to the environment; and

WHEREAS, if it is the opinion of the Board that such a condition exists the Board may notify the Assistant Secretary of Energy for Resource Applications or such other person as the Secretary of Energy may designate, of its conclusion concerning the necessary cessation, regulation or modification of the rate and manner of brine discharge from the West Hackberry SPRO site to eliminate or minimize any adverse effects on the coastal environment; and

WHEREAS, the principal investigators on the monitoring team for the project expressed concern about alterations in some of the environmental and biological parameters during discharge of the brine; and

WHEREAS, these investigators also expressed concern about the lack of time available to them for analyses of their data prior to the proposed reduction in the monitoring program; and

WHEREAS, maximum discharge on a sustained basis has not been achieved and therefore the impact of brine discharge has been reached and maintained over a period of time; and

WHEREAS, the Dept. of Wildlife and Fisheries informed SPRO by letter dated July 15, 1982 that the monitoring program should not be changed to the extent that impacts cannot be recognized beyond that degree considered acceptable by the State or SPRO: Now,

THEREFORE, BE IT RESOLVED by the Commission of the La. Department of Wildlife and Fisheries that the monitoring program at West Hackberry should be continued at a level which the principal investigators and the State believe to be adequate for the detection of environmental and/or biological impacts due to the influence of the SPR discharge.

BE IT FURTHER RESOLVED that copies of this resolution be distributed to the Louisiana Congressional Delegation.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. George N. Gray, and passed unanimously, that the following resolution be adopted in recognition of National Hunting and Fishing Day, September 25, 1982.

(The full text of the resolution is here made part of the record)

WHEREAS, because of the outstanding contributions that America's hunters and fishermen have made to conservation, recreation and the economy, they are deserving of special recognition, and

WHEREAS, since the turn of the century, hunters and anglers have been the leaders in nearly all major conservation programs. These sportsmen-conservationists are responsible for the founding of state fish and game departments in all fifty states. They asked that they, themselves, be required to buy licenses and that the money collected be used to support state conservation agencies. In the last fifty years alone, these sportsmen have provided \$2.5 billion for conservation programs, and

WHEREAS, hunters and fishermen asked for the establishment of regulation seasons and bag limits so that sportsmen could harvest the annual crop of game and fish without damage to the basic breeding population. The result has been that there are now more deer, elk, antelope and wild turkey in the United States than there were fifty years ago. Further, sportsmen's programs have benefited numerous species of non-game fish and wildlife through habitat development, and

WHEREAS, hunters and fishermen, unique in all America, asked that their fishing and hunting equipment be taxed and that the money be used for land acquisition, research and habitat management for fish and wildlife for the enjoyment of all Americans, and

WHEREAS, through their publications and organizations such as the National Wildlife Federation, Ducks Unlimited, Izaak Walton League of America and many others, hunters and fishermen have led the nation in the battle for a better environment and the wise use of our natural resources,

NOW, THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby proclaim September 25, 1982, as National Hunting and Fishing Day in Louisiana. The Commission urges all of our citizens to join with the sportsmen-conservationists in a rededication to the wise use of our natural resources and their proper management for the benefit of future generations. Further, the Commission urges all citizens to take part in National Hunting and Fishing Day activities on September 25, 1982, to learn more about conservation and outdoor skills.

* * *

Motion was made by Mr. J. C. Gilbert, seconded by Mr. Charles Riggs, and passed unanimously, that the following resolution be adopted authorizing the purchase of an 88 acre tract of land adjacent to Spring Bayou WMA in Avoyelles Parish.

(The full text of the resolution is here made part of the record)

WHEREAS, the Louisiana Wildlife and Fisheries Commission and the Louisiana Department of Wildlife and Fisheries is interested in expanding its wildlife management area program in Louisiana; and,

WHEREAS, a certain tract of land comprising of 88 acres, more or less, located adjacent to our state owned Spring Bayou Wildlife Management Area in Avoyelles Parish has been offered for sale to the department; and,

WHEREAS, this tract consist of bottomland hardwoods and is located in an area where vast acreages are being converted to agriculture; and,

WHEREAS, this tract, if acquired, will make an excellent addition to our Spring Bayou Wildlife Management Area and also will provide additional public recreational opportunities for sportsmen throughout the state; now

THEREFORE BE IT RESOLVED, that authorization is hereby given to proceed with this acquisition following the accepted procedures and guidelines.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. James Farrelly, and passed unanimously, that the following resolution be adopted setting the dates for the 1982-83 Trapping Season.

(The full text of the resolution is here made part of the record)

WHEREAS, the fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, an annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, fur prices at the trapper level were depressed during the 1981-82 trapping season resulting from the world economic situation, and

WHEREAS, the depressed price level combined with lowered abundance of nutria and muskrat yielded a moderate decrease in trapping success and effort, and

WHEREAS, additional Federal restrictions imposed by the Endangered Species Office concerning out-of-state shipment for otter and bobcat furs now require placement of a possession tag by trappers or buyers to insure state origin, and

WHEREAS, the zonation concept during the past season has proved workable and beneficial in reducing late caught unprime furs and has produced favorable comments generated within the fur industry, and

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish the 1982-83 fur bearers trapping season for the northern zone as being November 20, 1982 through February 15, 1983 and the southern zone as being December 1, 1982 through February 28, 1983; and

BE IT FURTHER RESOLVED, that the attached regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1982-83 trapping season.

A copy of the regulations governing the buying, tagging, and shipment of bobcat and otter pelts/^{are} attached to these minutes as an addendum.

* * *

Motion was made by Mr. Charles A. Riggs, seconded by Mr. J. C. Gilbert, and passed unanimously, that the following resolution be adopted setting the dates for the 1982 Alligator Hunting Season.

(The full text of the resolution is here made part of the record)

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under the Endangered Species Act to establish an alligator season, and

WHEREAS, the alligator population in Louisiana has been determined by biologists of the Department to be capable of sustaining an annual harvest of surplus animals, and

WHEREAS, the removal of the surplus animals is considered to be a wise use of this natural resource of the State of Louisiana.

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules, regulations, and guidelines for administering the 1982 alligator season.

A copy of the regulations governing the alligator season are attached as an addendum.

Mr. Ensminger was directed to prepare a letter, for Jesse M. Knowles signature, to the Regional Director of the U.S. Fish & Wildlife, requesting they consider opening the alligator season on the date set by the Commission on the Sabine National Refuge.

* * *

Motion was made by Mr. James Farrelly, seconded by Mr. George N. Gray, and passed unanimously, that the following resolution be adopted opening a portion of the Pointe au Chein WMA to the public for the fall shrimp season.

(The full text of the resolution is here made part of the record)

WHEREAS, the Louisiana Department of Wildlife and Fisheries owns the Pointe au Chein Wildlife Management Area located in Lafourche and Terrebonne Parishes, and

WHEREAS, edaphic conditions have gradually changed to one of a more saline condition, and

WHEREAS, a water area known as Wonder Lake near the community of Montegut, Louisiana, has converted from a fresh water to a salt water lake, and

WHEREAS, this Lake does support large numbers of marine organisms such as shrimp, and

WHEREAS, a portion of the Lake is on private property and is open for shrimp trawling, and

WHEREAS, it is difficult to determine the boundary lines between the private property and the Department-owned property, and

WHEREAS, the harvest of shrimp from the portion of the Lake on the Department of Wildlife and Fisheries' property would not adversely affect the overall management of the area, and

WHEREAS, to permit public utilization of this portion of Game Management Area for the 1982 Fall shrimp season, scheduled to open on the third Monday of August, 1982, emergency provisions are hereby invoked:

NOW THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby amend its regulations pertaining to the Pointe au Chien Wildlife Management Area to permit daytime trawling in that portion of the Game Management Area known as Wonder Lake.

BE IT FURTHER RESOLVED, that this action is being taken under the emergency procedure provisions in order to make the area available to the public for the 1982 Fall Shrimp season.

* * *

Regulations on Salvador remain the same, no action required.

Mr. Harry Schafer gave his monthly oyster survey report as follows: thirty-two leases were relocated, twelve monuments traversed, eight applications surveyed, seven re-stakes performed to settle disputes.

Since the lifting of the moratorium 216 appointments were made for a total of 43,000 acres, and a total of \$137,000 was collected. Of this number 37 have been surveyed and 6 leases issued.

* * *

Mr. Schafer was advised to report at the August Board Meeting on the administrative cost of processing oyster lease applications, to determine what percent will be retained from those applications using private surveyors.

* * *

Motion was made by Mr. Charles A. Riggs, seconded by George N. Gray, and passed unanimously, that the following resolution be adopted establishing the oyster season for Calcasieu Lake.

(The full text of the resolution is here made part of the record)

WHEREAS, the Commission biologists and the Chief of the Seafood Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou, and

WHEREAS, the Department of Health and Human Resources will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met, and

NOW THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1982-83 be set in accordance with the following rules and regulations:

- (1) That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 1, 1982 through one-half hour after sunset on Thursday, March 31, 1983, with the right being reserved to close said season sooner if biologically justifiable.

- (2) That oyster fishing be limited only to the use of tongs and to daylight hours.
- (3) The open areas shall be confined to the area of Calcasieu Lake with the exception of Calcasieu River and Ship Channel, East Fork, West Fork , and Oyster Bayou which shall be closed.
- (4) The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter of the reefs to provide for expansion of future harvesting.
- (5) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.
- (6) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.
- (7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).
- (8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged.

BE IT FURTHER RESOLVED, that the Secretary be and is hereby authorized and empowered to change the limit or close said season, if biologically sound.

* * *

Motion was made by Mr. James Farrelly, seconded by Charles A. Riggs, and passed unanimously, that the following resolution be adopted establishing oyster season on seed reservations.

(The full text of the resolution is here made part of the record)

WHEREAS, the natural oyster reefs (oyster seed grounds) under the managerial supervision of the Louisiana Wildlife and

Fisheries Commission must open on the first Wednesday following Labor Day, September 8, 1982, as provided for by Louisiana Law Title 56, Section 433, which also authorized the Commission to regulate the size limit and area closures after January 1 of each year on state controlled grounds, and

WHEREAS, "Oyster Seed Reservations" are small portions of the "Oyster Seed Grounds" managed and controlled for seed oyster production which are opened on alternate years.

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby open the "Hackberry Bay (Du Chene) Oyster Seed Reservation" and the "Sister Lake (Caillou Lake) Oyster Seed Reservation" in accordance with Louisiana Law Title 56, Section 433, which opens said season one-half hour before sunrise on the first Wednesday following Labor Day, September 8, 1982. Said season shall remain open with the same regulations as the regular oyster season; however, the secretary shall be authorized and empowered to close the two areas if it is deemed necessary by biological investigations and sampling.

BE IT FURTHER RESOLVED, that the "Sister Lake Oyster Seed Reservation" will be operated utilizing a permit system.

This is an emergency action. The reason for this emergency action is that the biological surveys to determine the amount, size, and condition of the oysters and oyster seed grounds have to be made continually until the week prior to the Commission Meeting in which this matter is the subject on the agenda.

* * *

Mr. Mike Voisin, President, Louisiana Oyster Dealers & Growers Association complimented on the lifting of the moratorium. A copy of his letter was read and is attached as an addendum.

* * *

Motion was made by Mr. Charles A. Riggs, seconded by Mr. George N. Gray and passed unanimously, that the following resolution be adopted concerning the preservation of Cow Island Lake.

(The full text of the resolution is here made part of the record)

WHEREAS, Cow Island Lake, located in the Atchafalaya Basin in St. Martin Parish, has been a valuable sportfishing lake for many years, and

WHEREAS, Cow Island Lake is subject to nearly complete dewatering at the low flows of the Atchafalaya River, which was first evidenced in 1968, and

WHEREAS, it is only because of the foresight of the St. Martin Parish Police Jury, and the Greater Atchafalaya Basin Council and the cooperation of the major landowners, Dow Chemical Co. and the generosity of South Louisiana Contractors in maintaining a small earthen dam to hold water in the lake since 1970 that the lake still exists today, and

WHEREAS, the earthen dams have been subject to frequent failure, which again occurred this year (1982), and

WHEREAS, Dow Chemical Co., working in cooperation with Governor Dave Treen, has very graciously donated its interest to the surface rights in Cow Island Lake to the State of Louisiana which gives the State of Louisiana jurisdiction in the area, and

WHEREAS, the preservation of Cow Island Lake will make good sportfishing available to thousands of people in south central Louisiana 11 year around:

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wildlife & Fisheries Commission is on record as favoring the establishment of a permanent weir in the channel through which water ebbs and flows from the lake and recommends that the Department of Wildlife & Fisheries take an active part in the reconstruction of the weir for the preservation of the lake.

* * *

Motion was made by Mr. George Gray, seconded by Mr. Charles Riggs, and passed unanimously, that the following Notice of Intent be adopted concerning prohibiting motorized vehicles on Bundicks Lake Dam.

(The full text of the resolution is here made part of the record)

WHEREAS, the driving of vehicles, motorbikes, and three-wheelers, on the levee of Bundicks Lake Dam have caused ruts, holes, elimination of grass, and washing away of the levee, and

WHEREAS, the Beauregard Parish Police Jury and concerned citizens of Beauregard Parish have requested the Louisiana Department of Wildlife & Fisheries to prohibit motorized vehicles on the dam levee in order to prevent damage to the levee,

THEREFORE, BE IT RESOLVED, the Louisiana Department of Wildlife & Fisheries does hereby prohibit the driving of motorized vehicles on the Bundicks Lake dam levee, and be it further resolved that signs be erected denoting this prohibition and that agents of the Enforcement Division enforce this regulation.

* * *

Motion was made by Mr. Charles Riggs, seconded by Mr. George N. Gray, and passed unanimously, that the following Notice of Intent be adopted defining an approved slat trap.

(The full text of the resolution is here made part of the record)

WHEREAS, on July 22, 1982 a petition for preliminary injunction and temporary restraining order was issued against the Louisiana Department of Wildlife & Fisheries from enforcing R. S. 56:320 and R.S. 56:8 (91) insofar as prohibiting the taking of catfish only by approved slat traps, and

WHEREAS, said petition infers the definition of a "slat trap" for the taking of catfish in R.S. 56:8 (91) is so vague as to deny petitioner his constitutional right of due process and is unenforceable, and

WHEREAS, the petitioner further alleges that the Louisiana Department of Wildlife & Fisheries has not adopted any rules designating what type of "slat traps" are approved (R.S.56:320) and if any rules were adopted, they were not done in accordance with the uniform administrative procedure act and are consequently null and void.

THEREFORE, BE IT RESOLVED, in order to clarify the definition of a slat trap in La. R.S. 56:8(91) and to describe a commission approved slat trap in La. R.S. 56:320, the following definition and description of an approved slat trap as adopted by the Louisiana Department of Wildlife & Fisheries is as follows:

"Slat trap" as used in L.R.S. 56:8(91) and 56:320 is hereby defined as any device, used solely for the capture of catfish, which may be cylindrical, rectangular or square in cross section configuration, and which is no more than six (6) feet in length, two (2) feet in diameter or width and which is constructed of slats and has at least a one (1) inch opening running the entire length of the trap on at least three (3) sides and has one or more cone shaped throats, flues or entrances.

* * *

There was discussion on the use of hoop nets on Toledo Bend. It was suggested that the regulation be changed to read that nets could be used horizontally. The Board decided to postpone action until Mr. Fontenot completes his study in June 1983.

* * *

Motion was made by James Farrelly, seconded by Mr. George N. Gray, and passed unanimously, that the following resolution be adopted.

(The full text of the resolution is here made part of the record)

WHEREAS, Ronald L. Menville served as a member of the Louisiana Wildlife and Fisheries Commission from March 2 until July 12, 1982, and

WHEREAS, During this short span of time, he demonstrated deep understanding and perception of the often complex details of wise management of wildlife, fisheries and environmental resources, and the necessary conservation practices and procedures involved in that management, and

WHEREAS, His concern, counsel, and participation in activities of this Commission and the Department of Wildlife and Fisheries played an important role in establishment of ongoing, progressive programs, and

WHEREAS, During this period of service to the people of the State of Louisiana, the Wildlife and Fisheries Commission, and the Louisiana Department of Wildlife and Fisheries, Ronald L. Menville demonstrated deep awareness of the importance of Louisiana's wildlife and fisheries resources for both economical and recreational purposes, and

WHEREAS, His dedication to the duties and responsibilities of membership on this Commission won for him the respect and appreciation of his fellow Commissioners and the entire staff of the Department of Wildlife and Fisheries,

NOW, THEREFORE BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does this date adopt this resolution of commendation and gratitude to Ronald L. Menville, and extend to him the gratitude of the entire staff of the Louisiana Department of Wildlife and Fisheries. Further, this Commission and Department respectfully requests that Ronald L. Menville continue to provide this Commission and Department with his knowledge, wisdom and counsel in the management of the wildlife and fisheries resources of the State of Louisiana.

* * *

William Perret gave a report on the shrimp season in Texas.

Chairman Knowles announced the dates for the Commission Meetings for August and September. The August monthly meeting will be on August 23 and 24, 1982 in Baton Rouge; the September monthly meeting will be September 27 and 28 in New Orleans.

* * *

Jesse M. Knowles
Chairman

Jesse J. Guidry
Secretary